

Item 30 : Details of ICAC's policy, rules and guidelines on bestowing and receipt of gifts when Mr Timothy TONG was serving as the Commissioner of ICAC; whether there have been any reviews on the policy during and after Mr TONG's tenure, and what changes have been made as a result of such reviews.

Bestowing of gifts

- (a) Within the spirit of prudent and economical use of government funding and on the basis of reasonableness and necessity, the ICAC follows government policy and guidelines in drawing up its own policy and guidelines on the bestowing of gifts. Since 1996, ICAC has adopted a policy to limit to the minimum the exchange of gifts on official occasions and the change of gifts should be made from organisation to organisation. ICAC also follows Government's Stores and Procurement Regulations in the procurement of gifts whereby subject officers must seek funding approval from the line management for the purchase of gifts and their certification when claiming for reimbursement of the expenses. In line with the relevant government rules, the ICAC did not have any laid down rules or guidelines specifying the types and the amount in value of gifts to be presented. There was no review conducted on the subject during Mr TONG's tenure.
- (b) After a review in May 2013, ICAC issued further guidelines, under which officers should offer only one standard ICAC souvenir if exchange of gifts / souvenirs is unavoidable and should not present any gifts / souvenirs on a personal basis.

Receipt of gifts

- (c) The ICAC follows government policy, rules and guidelines in drawing up its policy, rules and guidelines on acceptance of gifts, in the form of Commission Standing Orders.
- (d) All gifts presented to an officer in his official capacity are gifts to the Commission. They should not be accepted unless they cannot be declined without causing offence or embarrassment. Approval authorities for acceptance of gifts by ICAC officers for personal retention are stipulated in the Schedule of Authorities as follows :

- (i) the Chief Executive: Commissioner in accordance with CSB Circular No. 4/2007
 - (ii) the Commissioner: for directorate officers
 - (iii) Heads of Department (except Director of Community Relations) : for non-directorate officers in respective departments
 - (iv) Assistant Director/Community Relations: for non-directorate officers in the Community Relations Department
 - (v) Assistant Director/Administration: for officers in the Administration Branch
- (e) ICAC does not make rules of its own in this regard.